

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARTIN FERNANDEZ,

No. C 05-4566 SI (pr)

Petitioner,

**ORDER**

v.

A. P. KANE, warden,

Respondent.

Petitioner has filed a notice of appeal. He does not need a certificate of appealability to appeal because his habeas petition challenged the parole authority's administrative decision to deny parole. See Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir. 2005).

Petitioner's motion to proceed in forma pauperis on appeal is DENIED for failure to provide the information required by Federal Rule of Appellate Procedure 24(a)(1). (Docket # 6.) This denial is without prejudice to him filing a request in the Ninth Circuit Court of Appeals to proceed in forma pauperis on appeal. See Fed. R. App. P. 24(a)(5).

The clerk shall process the appeal.

IT IS SO ORDERED.

DATED: November 9, 2006



SUSAN ILLSTON  
United States District Judge